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February 13, 2023

VIA ECF

Magistrate Judge Robert M. Levy
United States District Judge
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: *Joint letter motion to adjourn conference set for February 14, at 10:30 AM.*
Jean Hogan v. Capital One, N.A., Index No. 1:22-cv-01028-MKB-RML

Dear Judge Levy:

We represent Defendant Jean Hogan in this action alleging, *inter alia*, violations of the Electronic Funds Transfer Act ("EFTA").

We file this joint application with Defendant Capital One, N.A. to adjourn the Status Conference currently set for tomorrow, February 14, at 10:30 AM.

On February 8, 2023, Troutman Pepper, the firm representing Defendant Capital One, was the target of a major cyberattack largely shutting down the firm operation. *See* <https://www.abajournal.com/news/article/troutman-pepper-acknowledges-cyberattack-says-action-was-taken-to-contain-the-threat> . This has lead, *inter alia*, to the cancelation of the February 10, 2023 deposition of a Fed.R.Civ.P. 30(b)(1) from Capital One.

As of today, the Troutman Pepper computer system is still substantially affected by the cyberattack. Opposing counsel has only partially back on-line and still does not have access to work email. Indeed, this letter had to be sent via text to opposing counsel to review and sign off on.

For these reasons, the parties jointly seek to adjourn the status conference currently set for 10:30 AM tomorrow, February 14, 2023 for a period convenient for the court on or after February 22, 2023. There have been no prior requests for adjournment. The parties apologize that this application was not submitted at least two days before the date of the hearing.

Sincerely,

/s/

Emma Catherine

cc: all counsel via ECF